

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, INC., *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL
OF THE UNITED STATES, *et al.*,

Defendants.

Case No. 4:23-cv-00830-O

DEFENDANTS' MOTION TO STAY PENDING APPEAL

Pursuant to Federal Rule of Civil Procedure 62 and Federal Rule of Appellate Procedure 8(a)(1), and for the reasons set forth in the attached Memorandum, Defendants respectfully request that the Court stay its July 23, 2024 Memorandum Opinion & Order, ECF No. 100, and its July 24, 2024 Final Judgment, ECF No. 101, or, at a minimum, stay the aspects of them that impose affirmative obligations on ATF to return certain FRT devices and issue remedial notices and extend injunctive relief to unidentified individuals and entities. If the Court is not inclined to grant a stay pending appeal, Defendants respectfully request that the Court stay the orders to permit Defendants to seek a stay from the Fifth Circuit and for the duration of the Fifth Circuit's consideration of that motion. Pursuant to Local Rule 7.1, Defendants conferred with counsel for Plaintiffs regarding this Motion, and Plaintiffs indicated that they oppose this Motion.

DATED: August 1, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ALEX HAAS
Branch Director

BRIGHAM J. BOWEN
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/s/ *Laura B. Bakst*
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Counsel for Defendants

CERTIFICATE OF CONFERENCE

This Motion is opposed. Pursuant to Local Rule 7.1, a conference was held by email on July 31, 2024, between Mr. Jonathan Shaw, counsel for Plaintiffs, and Mr. Alexander Resar, counsel for Defendants. The Parties were unable to reach agreement because Plaintiffs do not have a comprehensive list of Plaintiff members whose FRT devices were confiscated or seized, and ATF is unable to provide to Plaintiffs a list of those from whom it has confiscated or seized FRT devices.

/s/ *Laura B. Bakst*

CERTIFICATE OF SERVICE

On August 1, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ *Laura B. Bakst*